

2011 DRAFTING REQUEST

Bill

Received: **07/28/2011**

Received By: **btradewe**

Wanted: **As time permits**

Companion to LRB:

For: **Evan Wynn (608) 266-9650**

By/Representing: **Brandon VerVelde (aide)**

May Contact:

Drafter: **btradewe**

Subject: **Agriculture - animals**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.wynn@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Licensing exemption for certain animal control facilities

Instructions:

Exempt from licensing animal control facilities that contract with towns and shelter 25 or fewer dogs per year

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	btradewe 07/28/2011	chanaman 08/03/2011	jfrantze 08/03/2011	_____	sbasford 08/03/2011		S&L
/2	btradewe 08/15/2011	jdye 08/22/2011	phenry 08/22/2011	_____	sbasford 08/22/2011		S&L
/3	btradewe 08/26/2011	jdye 09/06/2011	phenry 09/06/2011	_____	sbasford 09/06/2011		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/4	btradewe 09/07/2011	jdye 09/08/2011	jfrantze 09/08/2011	_____	sbasford 09/08/2011	mbarman 10/14/2011	

FE Sent For:

*At intro
10/28/2011*

<END>

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/?		<i>4/8 jld</i>	<i>9/8</i>	<i>R39/8</i>			S&L
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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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Drafter: btradewe

Subject: Agriculture - animals

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.wynn@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

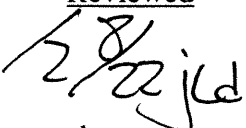
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By/Representing: **Brandon VerVelde (aide)**

May Contact:

Drafter: **btradewe**

Subject: **Agriculture - animals**

Addl. Drafters:

Extra Copies:

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1/2	btradewe	2/8/22 jw		8/3			

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2474/1

RCT/

cmh

IN 7/28

2011 BILL

1

^{Agencies}
AN ACT ...; **relating to:** the licensing requirement for animal control facilities.

Analysis by the Legislative Reference Bureau

Current law requires certain persons who sell dogs or operate animal shelters and all persons who operate animal control facilities to be licensed by the Department of Agriculture, Trade and Consumer Protection. An animal control facility is a facility for the care of animals operated under a contract with a city, village, town, or county. Persons who are required to be licensed must comply with standards of animal care that are specified in the law.

This bill creates an exception to the licensing requirement for a person who operates an animal control facility under a contract with a town if the animal control facility is used to care for fewer than 25 dogs in a year.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 173.41 (2) (a) (intro.) of the statutes is amended to read:

3

173.41 (2) (a) (intro.) Except as provided in par. (e), (f), (fm), or (g), beginning

4

on June 1, 2011, no person may do any of the following without an annual license

5

from the department:

BILL

SECTION 2

SECTION 2. 173.41 (2) (fm) of the statutes is created to read:

173.41 (2) (fm) A person operating an animal control facility is not required to obtain a license under par. (a) if the animal control facility is used to care for fewer than 25 dogs in a year and the person does not contract under s. 173.15 with a city, village, or county.

(END)

8/11/11 Per Brandon -

It turns out that the business with which the town contracts for holding animals taken into custody cares for more than 25 dogs per year. It is a for-profit boarding kennel. The town requires boarding kennels to be licensed. So - modify the draft so that the exception applies to an animal control facility that contracts with a town - if the facility operates under a license issued by the town and has a conditional use permit.

**TOWN OF PLYMOUTH
ORDINANCE NO. 2011-01**

AN ORDINANCE TO REGULATE DOG KENNELS

RECITALS

A. The Town Board is authorized to exercise powers relating to villages and conferred on village boards under Chapter 61 of the Wisconsin Statutes pursuant to Wis. Stat. §§ 60.10(2)(c) and 60.22(3).

B. Pursuant to Wis. Stat. § 61.34(1), the Town Board has authority to adopt ordinances for the health, safety, welfare, and convenience of the public.

C. The Town Board believes that in order to promote the Town's health, safety, welfare and convenience, it should regulate those dog kennels wishing to operate within the Town's jurisdiction.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF PLYMOUTH, ROCK COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

DOG KENNEL ORDINANCE

SECTION I. DEFINITIONS.

(1) "Dog Kennel" means any establishment, place or entity where four or more dogs are held for the purpose of breeding, sale, training, boarding, grooming, or sporting purpose and the owner or operator of said establishment, place or entity, is performing said purposes for compensation.

(2) "Dog" means any dog five months of age or older.

SECTION II. LICENSE REQUIRED.

It shall be unlawful to own, operate or possess a dog kennel within the Town of Plymouth without a valid Kennel License. Holders of Kennel Licenses must comply at all times with the provisions of this Ordinance. Any violations of such provisions shall be grounds for revocation of the Kennel License by the Town Board in addition to the penalties specified herein.

SECTION III. LICENSE.

(1) Applications for a Kennel License shall be obtained from the Town Clerk.

(2) The Town Board shall establish the amount of the non-refundable application fee.

(3) All applications for a Kennel License shall be approved by the Town Board.

(4) The Town Treasurer shall issue the number of tags equal to the approved number of Dogs under an accepted kennel application.

(5) Any Kennel License issued shall be effective for a period of one year commencing April 1st and ending March 31st.

(6) The Town shall not issue more than three (3) Kennel Licenses at any given time.

SECTION IV. REQUIREMENTS FOR KENNELS.

(1) No dog kennel may house more than 12 dogs at one time.

(2) Dogs kept pursuant to a Kennel License must also be licensed pursuant to Chapter 174 of the Wisconsin Statutes and the Dog Kennel must be in compliance with Chapter 174 at all times. At all times, dog tags must be attached to the collar of each Dog kept under a Kennel License. Such tags may be transferred from one Dog to another within the Dog Kennel whenever any Dog is removed from the Dog Kennel.

(3) All Dogs shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.

(4) The building in which the Dogs are kept shall be maintained in a clean condition and a good state of repair. The building shall allow adequate protection against weather extremes.

(5) All Dog pens or enclosures shall be sufficiently large to permit freedom of movement to the Dogs confined therein.

(6) Food supplies shall be stored in rodent proof containers and be free from contamination. Food supplies shall also be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the Dog.

(7) All Dogs shall have potable water available at all times.

(8) Feces shall be removed from yards, pens, and enclosures daily and stored in tightly covered metal containers until final disposal.

(9) Yards, pens, and enclosures and the Dogs themselves shall be kept free of insect infestation.

(10) No odor nuisance shall be permitted.

(11) No repeated or continual barking, such as constitutes a noise nuisance, shall be permitted.

SECTION V. ZONING DISTRICT LOCATION.

Dog Kennels must be located only in those zoning districts that allow them to operate as a permitted use or by conditional use permit.

SECTION VI. RIGHT TO ENTRY.

The Building Inspector shall have the right to enter upon private property where the Dog Kennels are located during reasonable hours to inspect the Dog Kennels to determine whether they are in compliance with this Ordinance. When entry is refused, the Building Inspector may seek an inspection warrant as provided in section 66.0119 of the Wisconsin Statutes.

SECTION VII. PENALTIES.

Any person who shall violate any of the provision of this section shall, upon conviction thereof, forfeit not more than One Hundred Dollars (\$100.00) for the first and second offense in any twelve (12) month period, Two Hundred Dollars (\$200.00) for the third offense in any twelve (12) month period, Three Hundred Dollars (\$300.00) for the forth and subsequent offenses in any twelve (12) month period, together with the costs of prosecution.

SECTION VIII. This Ordinance shall take effect and be in force after passage and publication as provided by law.

CERTIFICATE

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Plymouth on the 12th day of April, 2011, and that on the 20th day of April, 2011, a copy of the above ordinance was published in the Independent Register, Brodhead, WI.

Susan Douglas, Town Clerk,
Town of Plymouth
Rock County, Wisconsin

Subscribed and sworn to before me
this _____ day of _____, 2011.

Notary Public, Rock County, Wisconsin
My Commission expires:_____

G:\tmdocs\16781\0019\Ordinance to Regulate Dog Kennels-235096.doc



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2474/2

RCT:cmh:jf

rmr

In 8/15

2011 BILL

Yjd

✓

Regen

- 1 AN ACT *to amend* 173.41 (2) (a) (intro.); and *to create* 173.41 (2) (fm) of the
2 statutes; **relating to:** the licensing requirement for animal control facilities.

license

operates under a conditional use permit and a kennel license issued by the town ✓
Analysis by the Legislative Reference Bureau

Current law requires certain persons who sell dogs or operate animal shelters and all persons who operate animal control facilities to be licensed by the Department of Agriculture, Trade and Consumer Protection. An animal control facility is a facility for the care of animals operated under a contract with a city, village, town, or county. Persons who are required to be licensed must comply with standards of animal care that are specified in the law.

This bill creates an exception to the licensing requirement for a person who operates an animal control facility under a contract with a town if the animal control facility is used to care for fewer than 25 dogs in a year.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 173.41 (2) (a) (intro.) of the statutes is amended to read:

BILL**SECTION 1**

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contract

1 173.41 (2) (a) (intro.) Except as provided in par. (e), (f), (fm), or (g), beginning
2 on June 1, 2011, no person may do any of the following without an annual license
3 from the department:

4 **SECTION 2.** 173.41 (2) (fm) of the statutes is created to read:

5 173.41 (2) (fm) A person operating an animal control facility is not required to
6 obtain a license under par. (a) if the ~~animal control facility is used to care for fewer~~
7 ~~than 25 dogs in a year and the person does not contract~~ under s. 173.15 with ~~a city,~~
8 village, or county. *any*

9 (END)

and if the animal control facility is operated under a
conditional use permit and a kennel license issued by the town ✓

Tradewell, Becky

From: VerVelde, Brandon
Sent: Friday, August 26, 2011 10:55 AM
To: Tradewell, Becky
Subject: RE: Submitted: LRB 11-2474/2 Topic: Licensing exemption for certain animal control facilities

I was thinking that might be the case. We would like to have that clarified in the draft.

Thanks for your help,

Brandon

From: Tradewell, Becky
Sent: Friday, August 26, 2011 10:54 AM
To: VerVelde, Brandon
Subject: RE: Submitted: LRB 11-2474/2 Topic: Licensing exemption for certain animal control facilities

Brandon,

We would have to make a minor change in the draft to allow that.

Becky

From: VerVelde, Brandon
Sent: Friday, August 26, 2011 10:49 AM
To: Tradewell, Becky
Subject: Submitted: LRB 11-2474/2 Topic: Licensing exemption for certain animal control facilities

Becky,

I would like to get your opinion on this question... If, say, the town of Plymouth issues a conditional use permit and a kennel license as indicated in the bill, the kennel in question would be permitted to contract with the town of Plymouth. Would the kennel also be permitted to contract with a different town? As long as the kennel is licensed by one town according to the legislation, we would like to make sure that all area towns would be allowed under the exemption to contract with that particular kennel, even though they do not license it themselves.

Thanks,

Brandon

Tradewell, Becky

From: VerVelde, Brandon
Sent: Thursday, September 01, 2011 10:56 AM
To: Tradewell, Becky
Subject: RE: Submitted: LRB 11-2474/2 Topic: Licensing exemption for certain animal control facilities

Becky,

We would like to add another addition to this legislation. The towns association expressed concern about the conditional use permits referenced in the legislation. Apparently about 40% of towns are without that zoning power. They were wondering if we could put a "if applicable" phrase in the legislation regarding the conditional use permits. This is something that Rep. Wynn is open to if possible. We would keep the ordinance requirement.

Call with any questions: 266-9650.

Thanks,

Brandon

From: Tradewell, Becky
Sent: Friday, August 26, 2011 10:57 AM
To: VerVelde, Brandon
Subject: RE: Submitted: LRB 11-2474/2 Topic: Licensing exemption for certain animal control facilities

Will do.

From: VerVelde, Brandon
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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2474/3
RCT:cmh&jld:ph
ymf

500N (m 8/26)

2011 BILL

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* This bill creates an exception to the licensing requirement for a person who
* operates an animal control facility under a contract with ^{one or more} ~~town~~ ^{towns} if the animal control
* facility operates under a conditional use permit and a kennel license issued by the
town ^{in which the animal control facility is located} and a conditional use permit ^{if}
For further information see the **state and local** fiscal estimate, which will be
printed as an appendix to this bill.

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required by the town ✓

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SECTION 1

173.41 (2) (a) (intro.) Except as provided in par. (e), (f), (fm), or (g), beginning on June 1, 2011, no person may do any of the following without an annual license from the department:

SECTION 2. 173.41 (2) (fm) of the statutes is created to read:

173.41 (2) (fm) A person operating an animal control facility is not required to obtain a license under par. (a) if the person contracts under s. 173.15 with a town and does not contract with any city, village, or county and if the animal control facility is operated under a conditional use permit and a kennel license issued by the town.

(END)

in which the animal control facility is located and a conditional use permit is required by the town.

Tradewell, Becky

From: VerVelde, Brandon
Sent: Wednesday, September 07, 2011 12:19 PM
To: Tradewell, Becky
Subject: RE: Submitted: LRB 11-2474/2 Topic: Licensing exemption for certain animal control facilities

Becky,

I believe that current law says that any animal control facility that contracts with any municipality has to be licensed and inspected by DATCP. We would be looking for a blanket exemption for all municipalities if they contract with a facility that is either located in their municipality and they license it according to their ordinances, or is located within a municipality that licenses it according to their ordinances.

I believe that we could do away with the conditional use permits completely at this point. I don't think it's necessary to have it in the law (as far as I know...).

At this point, we would defer it to local control. As we get closer to introduction and bring other stakeholders into the mix, my thought is that we might want to set minimum standards for the ordinance or something like that if major issues are raised. However, we're working to soften opposition so we might not need to go that route.

Finally, right now the kennels don't have to be licensed by DATCP as long as they stay private and don't contract with municipalities. Simply by not contracting they are avoiding state oversight, so I think that it would be acceptable to allow it if they are licensed locally.

Thanks,

Brandon

From: Tradewell, Becky
Sent: Wednesday, September 07, 2011 12:03 PM
To: VerVelde, Brandon
Subject: RE: Submitted: LRB 11-2474/2 Topic: Licensing exemption for certain animal control facilities

Brandon,

Is my understanding correct that any animal control facility that obtains a kennel license from a city, village, or town would not have to be licensed by DATCP unless it contracts with a county to provide animal control services? Should the draft still mention conditional use permits at all?

As you know, Plymouth has quite an extensive dog kennel ordinance. If a village, say, enacted a licensing ordinance after this bill became law that was much less extensive (perhaps intended simply to enable the animal control facility to avoid licensing by DATCP), would that be OK?

Thanks,
Becky

From: VerVelde, Brandon
Sent: Tuesday, September 06, 2011 10:15 AM
To: Tradewell, Becky
Subject: RE: Submitted: LRB 11-2474/2 Topic: Licensing exemption for certain animal control facilities

Becky,

Sorry to do this to you. Rep. Wynn was discussing this legislation with some other Reps over the weekend and heard that this is a problem for some villages and cities, too. I guess I think it would be best to create the exemption for all levels of municipalities. I think it would be good to keep some accountability by requiring that the municipality license the facility the same as we require for the towns in the /3 draft.

Thanks,

Brandon

From: Tradewell, Becky
Sent: Thursday, September 01, 2011 10:58 AM
To: VerVelde, Brandon
Subject: RE: Submitted: LRB 11-2474/2 Topic: Licensing exemption for certain animal control facilities

Brandon,

I will do a redraft that responds to this concern.

Becky

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Subject: Submitted: LRB 11-2474/2 Topic: Licensing exemption for certain animal control facilities

Becky,

I would like to get your opinion on this question... If, say, the town of Plymouth issues a conditional use permit and a kennel license as indicated in the bill, the kennel in question would be permitted to contract with the town of Plymouth. Would the kennel also be permitted to contract with a different town? As long as the kennel is licensed by one town according to the legislation, we would like to make sure that all area towns would be allowed under the exemption to contract with that particular kennel, even though they do not license it themselves.

Thanks,

Brandon



State of Wisconsin
2011 - 2012 LEGISLATURE

500N (in 9/7)



LRB-2474/4
RCT:cmh&jld:ph

4

2011 BILL

✓

Regen

✓

political subdivisions

1 AN ACT *to amend* 173.41 (2) (a) (intro.); and *to create* 173.41 (2) (fm) of the
2 statutes; **relating to:** the licensing requirement for animal control facilities.

Analysis by the Legislative Reference Bureau

Current law requires certain persons who sell dogs or operate animal shelters and all persons who operate animal control facilities to be licensed by the Department of Agriculture, Trade and Consumer Protection. An animal control facility is a facility for the care of animals operated under a contract with a city, village, town, or county. Persons who are required to be licensed must comply with standards of animal care that are specified in the law. ✓

(political subdivision)

plain period

political subdivision

This bill creates an exception to the licensing requirement for a person who operates an animal control facility under a contract with one or more towns if the animal control facility operates under a kennel license issued by the town in which the animal control facility is located and a conditional use permit if required by the town. ✓

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓

3 SECTION 1. 173.41 (2) (a) (intro.) of the statutes is amended to read:

BILL

SECTION 1

173.41 **(2)** (a) (intro.) Except as provided in par. (e), (f), ~~(fm)~~, or (g), beginning on June 1, 2011, no person may do any of the following without an annual license from the department:

SECTION 2. 173.41 (2) (fm) of the statutes is created to read:

173.41 (2) (fm) A person operating an animal control facility is not required to obtain a license under par. (a) ~~if the person contracts under s. 173.15 with one or more towns and does not contract with any city, village, or county and if the animal control facility is operated under a kennel license issued by the town in which the animal control facility is located and a conditional use permit if required by the town.~~

(END)

a political subdivision

Parisi, Lori

From: VerVelde, Brandon
Sent: Thursday, October 13, 2011 4:56 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2474/4 Topic: Licensing exemption for certain animal control facilities

Please Jacket LRB 11-2474/4 for the ASSEMBLY.